



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicants : James E. Toney
Serial No. : 10/658,105
Filed : September 9, 2003
Title : MULTI-BARRIER PHOTONIC HETEROSTRUCTURES
Docket : BAT 0063 PA/40078.243
Confirm. No. : 9951
Art Unit : 2811

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the
United States Postal Service as first class mail in an envelope addressed
to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-
1450 on April 22, 2004.

James E. Beyer

Reg. No. 39,564

Sir:

COMMUNICATION

Applicant submits the enclosed Declaration and Power of Attorney which meets the requirements of 37 CFR §1.63 in order to correct the originally filed Declaration and Power of Attorney filed on January 22, 2004 in response to the Notice to File Missing Parts of Nonprovisional Application. The error was a typographical error regarding the priority data "60/409,344" should be --60/409,334--. Therefore, applicant requests the Office to enter the enclosed Declaration and Power of Attorney and change the records to reflect the same.

If the Examiner has any questions or comments, please contact the undersigned at the telephone number indicated below.

Respectfully submitted,
DINSMORE & SHOHL LLP

By

James E. Beyer
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JEB/amm
Encl.



DECLARATION AND POWER OF ATTORNEY

a below named inventor, I hereby declare that:

My residence, post office address and citizenship is as stated below next to my name; that

I verily believe I am the original and first inventor of the invention entitled:

MULTI-BARRIER PHOTONIC HETEROSTRUCTURES (Docket No. BAT 0063
PA/40078.243), described and claimed

_____ in the attached specification;
 X in the specification filed September 9, 2003, as U.S. Application Serial No.
10/658,105, and as amended _____.

I hereby authorize the attorney(s) and/or agent(s) appointed herein to indicate above whether the invention is described and claimed in an attached specification and to provide the Filing Date and Serial No. of the corresponding U.S. Application, if previously filed.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as filed and as amended by any amendment referred to above.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under 35 USC § 119(e) of any United States provisional application(s) listed below:

Application Number	Filing Date
<u>60/409,334</u>	<u>September 9, 2002</u>

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Richard A. Killworth	Reg. No. 26,397
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I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole Inventor: James E. Toney

Inventor's signature James E. Toney

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